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Hearing Date: **November 17,
2020, at 10:30 am in Courtroom
2, United States Bankruptcy
Court, 900 Market Street,
Philadelphia, PA 19107**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	Chapter 13 Proceeding
Shelly Howard	
a/k/a Shelly Howard-Soumahoro	16-13422 MDC
Debtor(s)	

**MOTION OF CITIZENS BANK, N.A. F/K/A RBS CITIZENS, N.A. FOR RELIEF OF
FROM THE AUTOMATIC STAY**

AND NOW, comes secured Creditor, Citizens Bank, N.A. f/k/a RBS Citizens, N.A. (Movant) by and through its counsel, Mary F. Kennedy, and files this Motion to obtain an order for Relief from the Automatic Stay due to lack of equity in debtor(s) property and debtor(s) failure to provide Movant with adequate protection of its interest in the property which is the basis of the creditor's security.

1. On or about May 13, 2016, Debtor(s) filed a Chapter 13 Bankruptcy Petition.
2. On May 13, 2005, the debtor executed a Mortgage and Note to Mortgage Electronic Registrations Systems as nominee for Capital One, F.S.B. in the amount of \$32,663.00 and secured by the property located at 1737 West French Street, Philadelphia, PA 19121, referred to as the "property." Said Mortgage was recorded in the Philadelphia Recorder of Deeds Office on June 8, 2005 at instrument no. 51195156. The Mortgage was assigned to Movant via an Assignment of Mortgage recorded in the Philadelphia Recorder of Deeds Office on June 22, 2016 at instrument no. 53074732 (See Exhibit "A" attached).

3. The debtor is presently in arrears post-petition for fifty-two (52) months, June 25, 2016 to September 25, 2020. The total arrears including \$1,231.00 for attorney fees and costs is \$20,587.18.
4. Movant wishes to have the automatic stay terminated to permit Movant to complete foreclosure on its mortgage.
5. Pursuant to 11 U.S.C.A. section 362 (d) (1), cause exists to granted Movant relief from the stay.

WHEREFORE, Movant respectfully requests this Honorable Court ORDER:

That Relief from the Automatic Stay be granted to Citizens Bank, N.A. f/k/a RBS Citizens, N.A. to proceed with foreclosure action to obtain all other Relief available under Non-Bankruptcy Law. That the relief granted by the Court will survive the conversion of this bankruptcy case to a case under any other Chapter of the Bankruptcy Code. And that bankruptcy Rule 4001(a)(3) is not applicable, and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non-Bankruptcy law. Furthermore, Movant respectfully requests that reasonable attorney fees and costs associated with this Motion be awarded to Movant

RESPECTFULLY SUBMITTED,

/s/ MARY F. KENNEDY, ESQ.

Dated: October 22, 2020